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ABSTRACT

The McKinney-Vento Homeless Assistance Act was enacted in 1987 as the first federal legislation intended to comprehensively combat homelessness. Title VII-B of the Act created the Education for Homeless Children and Youth Program, which authorizes the appropriation of federal funds to ensure that children and youth experiencing homelessness receive a free, appropriate public education. This book focuses on (1) "Issues of Homelessness and Education: Causes, Consequences and Definitions"; (2) "State, Local and Federal Responsibilities Regarding Access to Education: Removing Barriers to Enrollment, Attendance and Success"; (3) "School Responsibilities and Implementation Strategies" (stability and school selection, discrimination and segregation, and identification of and outreach to families and youth experiencing homelessness); (4) "Supporting Academic Achievement: Title I, Part A Requirements"; and (5) "You Are Not Alone! Resources for Understanding and Implementing the McKinney-Vento Act." Two appendices contain a list of state coordinators for the education of homeless children and youth and statutory provisions defining the role of the U.S. Department of Education in the administration of the McKinney-Vento Act. (SM)

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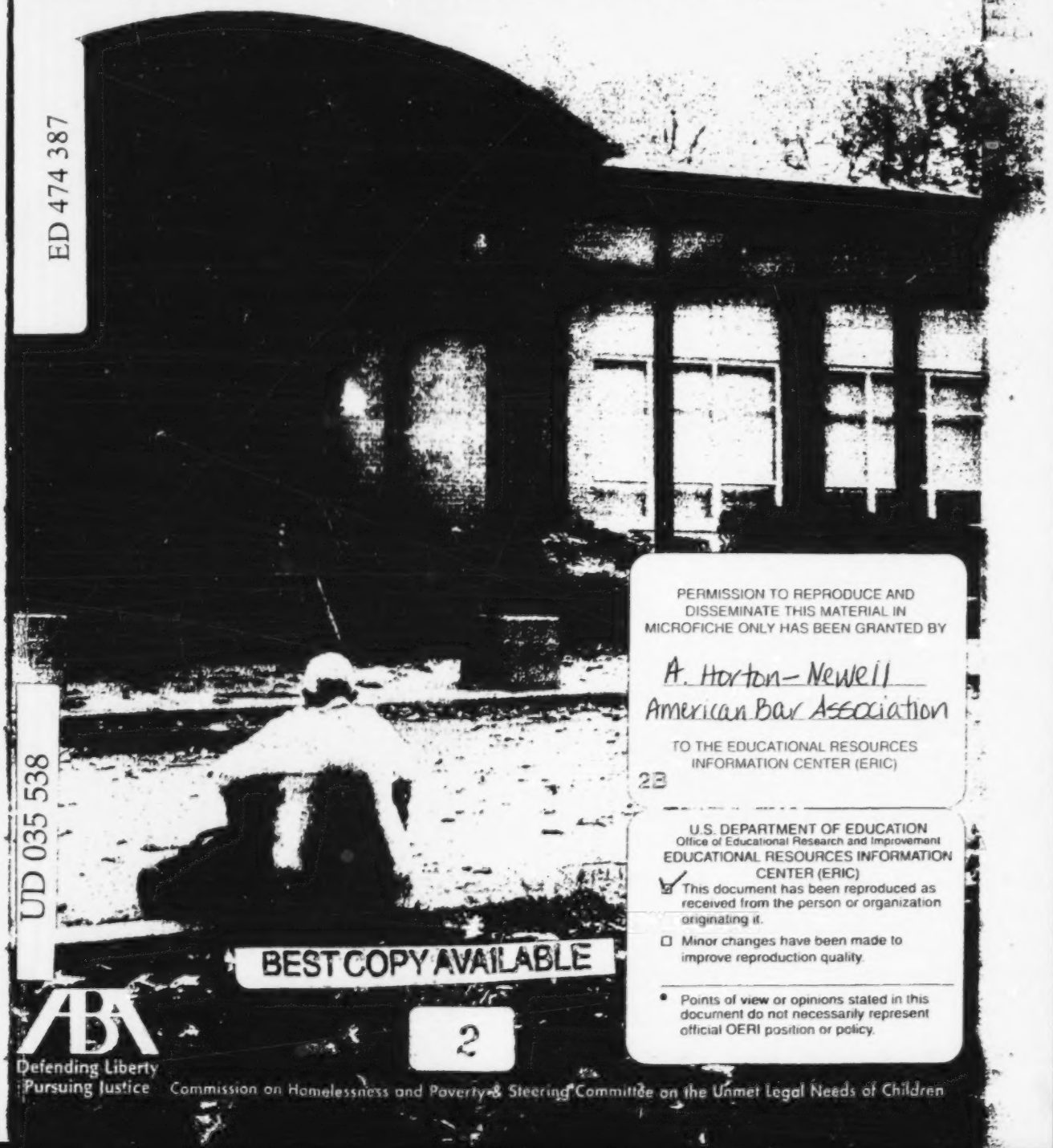
A Primer on Legal Requirements and Implementation Strategies for Educators, Advocates and Policymakers



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Commission on Homelessness and Poverty & Steering Committee on the Unmet Legal Needs of Children

EDUCATING CHILDREN WITHOUT HOUSING:

A Primer on Legal Requirements & Implementation Strategies for Educators, Advocates and Policymakers

pursuant to the
McKinney-Vento Homeless Assistance Act

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INTRODUCTION

The McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act was enacted in 1987 as the first federal legislation intended to comprehensively combat homelessness. Title VII-B of the Act created the Education for Homeless Children and Youth Program, which authorizes the appropriation of federal funds to states to ensure that children and youth experiencing homelessness receive a free, appropriate public education.[1] The Act aims to eliminate the barriers that can delay or prevent a homeless student's access to public education. These barriers include proof of residency requirements, records requirements (including school records, birth certificates, and immunization and other medical records), guardianship requirements, and lack of transportation to school. The Act also strives to ensure academic success for students in homeless situations by giving students the right to remain in one school despite their residential mobility and guaranteeing access to all appropriate educational opportunities and services.

The Education of Homeless Children and Youth Program of the McKinney-Vento Homeless Assistance Act was recently reauthorized in January 2002 through the enactment of the No Child Left Behind Act.

The education provisions of the McKinney-Vento Act originated in policies and practices that proved successful at the local and state levels. The recently reauthorized Act draws on the insight and experience of front-line educators, service providers, and advocates who strive to ensure that the educational needs of homeless children are met. The Act has widespread grassroots support among educators who work with children and youth in homeless situations. When implemented, the new McKinney-Vento provisions reflect strategies that have been shown to enhance students' academic and social growth, and at the same time permit schools to benefit from the increased test scores and other achievements that are the result of educational continuity. The suggested implementation strategies in this book all come from best practices ... those

[1]The Stewart B. McKinney Homeless Assistance Act, Pub. L. No. 100-77, § 721(1), 101 Stat. 482, 525 (1987).

tried and true policies and techniques used by the front-line personnel in school buildings, by visionary school districts, and by judicious state administrators across the country.

When the principles of access are denied to our most fragile group of citizens – our children – the ABA's voice has been clear. In the recent ABA publication, *America's Children Still at Risk*, the Steering Committee on the Unmet Legal Needs of Children stresses the many areas in our legal system that require lawyers to roll up their sleeves and make a difference in the life of a child. It discusses the related ABA policies and programs that address the negative impact on a child's life due to the effects of homelessness, inferior education, inadequate nutrition and the absence of other essential needs. Continuing in that legacy, the ABA Commission on Homelessness and Poverty and the Steering Committee, recognizing the compelling need for action in this area, present this publication to lawyers, school personnel, social workers, and program administrators, on behalf of homeless children and youth, to better ensure that they do not suffer the consequences of homelessness in their adult lives.

CHAPTER 1

Issues of Homelessness and Education: Causes, Consequences and Definitions

Homelessness is a lack of permanent housing resulting from extreme poverty and/or unsafe or unstable living environments (for example, conditions of domestic violence or child neglect and abuse). Over 1.35 million children and youth experience homelessness in a year.[2] Families are one of the fastest growing segments of people experiencing homelessness in the United States, accounting for approximately 40 percent of those in homeless situations.[3] Two trends are largely responsible for the rise in family homelessness over the past 15-20 years: a growing shortage of affordable rental housing and a simultaneous increase in poverty. There is a rising gap between income and housing costs for low-income individuals. For example, a full-time minimum wage worker cannot afford the Fair Market Rent for housing in any jurisdiction within the United States.[4]

Yet, despite the apparent need for affordable housing, the supply continues to dwindle. Between 1997 and 1999, there was a net loss of more than 300,000 housing units affordable to households with low incomes.[5] The shortfall in affordable housing for the poorest households now stands at 3.3 million housing units. The lack of affordable housing has resulted in an increase in the number of people who become homeless. A survey of 27 U.S. cities found that requests for emergency shelter increased by an average of 13 percent between 2000 and 2001; requests for shelter by homeless families alone increased by 22 percent.[6]

Unaccompanied youth include young people who have run away from home, been thrown out of their homes, and been abandoned by par-

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[2] Burt, Martha and Laudan Aron. America's Homeless II: Populations and Services, The Urban Institute, 2000.

[3] U.S. Conference of Mayors. A Status Report on Hunger and Homelessness in America's Cities: 2001.

[4] National Low Income Housing Coalition. Out of Reach, 2001. www.nlihc.org/oor2001/

[5] Harvard University, Joint Center for Housing Studies, The State of the Nation's Housing: 2001. www.jchs.harvard.edu/publications/son2001/

[6] U.S. Conference of Mayors. A Status Report on Hunger and Homelessness in America's Cities: 2001.

ents. The primary causes of homelessness among unaccompanied youth are physical and sexual abuse by a parent or guardian, neglect, parental substance abuse, and extreme family conflict.

Homelessness can have a devastating impact on a child's health and well-being. It is associated with increased rates of hunger, as well as chronic and acute illnesses that may impede learning by causing absences and curtailing children's ability to concentrate on schoolwork. Although children and youth who experience homelessness represent the full range of academic talents and abilities, frequent residential moves — often as a result of limits on the length of shelter stays or unstable living arrangements — also put them at risk of falling behind in school.

Children and youth in homeless situations often do not fit society's stereotypical images of the homeless population. For example, many children who are homeless are very young; in fact, over 40 percent of children living in homeless shelters are under the age of five.[7] In addition, emergency shelters in urban areas cannot meet the rising need for temporary housing required by families, turning away 52 percent of all such requests for emergency shelter. Rural areas also have people experiencing homelessness, though they often have no shelters at all.[8]

As a result of the lack of shelter, most students in homeless situations share housing with friends or relatives, stay in motels or other temporary facilities, live on the streets, in abandoned cars, or in wooded areas and campgrounds. Of the children and youth identified as homeless by State Departments of Education in FY2000, only 35 percent lived in shelters; 34 percent lived doubled-up with other family members or friends, and 23 percent lived in motels and other locations.[9] Yet, these children and youth may not immediately be recognized as homeless and are sometimes denied the protections and services which the McKinney-Vento Act provides. Therefore, the Act contains a specific definition of homelessness including clarification on the broad array of inadequate living situations. This definition can help educators, families and youth understand who is entitled to the Act's protections.

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[7] Interagency Council on the Homeless. Homelessness: Programs and the People They Serve, Summary Report. December 1999.

[8] U.S. Conference of Mayors. A Status Report on Hunger and Homelessness in America's Cities: 2001.

[9] U.S. Department of Education. Education for Homeless Children and Youth Program Report to Congress, FY 2000.

What the Reauthorized McKinney-Vento Act Says:

For the purposes of this subtitle, the term 'homeless child and youth'

- means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

- includes -

  (i) children and youth who lack a fixed, regular, and adequate nighttime residence, and includes children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  (ii) children and youth who have a primary nighttime residence that is a private or public place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));
  (iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  (iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

- The term unaccompanied youth includes youth in homeless situations who are not in the physical custody of a parent or guardian.

CHAPTER II

State, Local and Federal Responsibilities Regarding Access to Education: Removing Barriers to Enrollment, Attendance and Success

Homeless children and youth face a number of barriers in accessing an appropriate education, and as a result, they are often precluded from achieving academic success. School policies and practices, as well as lack of awareness about homelessness and federal education law, may ultimately create barriers to the free, appropriate education of children and youth in homeless situations. For example, residency requirements, guardianship requirements, delays in transfer of school records, lack of transportation, and records requirements may prevent homeless children from enrolling in school. Even after they enroll in school, children and youth in homeless situations still face barriers to regular attendance: the FY2000 U.S. Department of Education Report to Congress indicated that 23% of homeless children and youth were not attending school on a regular basis while homeless (U.S. Department of Education, 2000).

In addition to enrollment problems, the high mobility associated with homelessness can have severe educational consequences. Families and youth who are homeless are often forced to move frequently due to limits on length of shelter stays, their search for safe and affordable housing or employment, or to escape abusive home situations. All too often, children in homeless situations change schools because shelters or other temporary accommodations are not located in their school district and/or they lack transportation to continue attending class at their same school — despite federal educational protections that entitle them to stay in the same school and to receive transportation to and from that school. School transfers have a well-documented negative effect on academic achievement, as do lack of quiet, safe places to do homework, lack of school supplies, and lack of food.

In response to these barriers, Congress passed Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, Education for Homeless Children and Youth. Originally enacted in 1987, the statute was recently reau-

thorized as part of the "No Child Left Behind Act" in January 2002. The McKinney-Vento Act's broad mandate is to eliminate barriers to school success for children who are homeless so that they may meet the same challenging academic standards as all other children. It incorporates many policies and practices that have proven successful at the local and state levels. The McKinney-Vento Act is an essential part of the overall mission of the "No Child Left Behind Act:" to ensure that every child in the United States is successful in school, and to close the achievement gap between disadvantaged students and their more fortunate peers.

Responsibilities for implementing the McKinney-Vento Act are shared at the federal, state and local level. This booklet is primarily geared to local school personnel; therefore, it provides more detailed information about state and local responsibilities. For information about the federal role in implementing the McKinney-Vento Act, please see appendix B.

Office of the State Coordinator and State Educational Agency Responsibilities

The McKinney-Vento Act requires that every state educational agency (SEA) establish an Office of State Coordinator for the Education of Homeless Children and Youth. This office has critical responsibilities with respect to the implementation of the Act, including providing technical assistance, resources, coordination, and overseeing compliance for all local educational agencies (LEA) in the State.

What the Act Says:

❑ Every SEA must establish an Office of State Coordinator for the Education of Homeless Children and Youth. The responsibilities of this office include the following:

1. Gather information on the extent of homelessness among children and youth and their educational needs and progress.
2. Develop and carry out a state plan for the education of homeless children and youth.
3. Facilitate coordination between state education and state social service agencies.

4. Coordinate and collaborate with educators, including preschool programs; administrators of homeless service programs, including family and runaway and homeless youth programs; local educational agency liaisons; and community organizations representing homeless children and youth.
5. Provide technical assistance to all LEAs, in coordination with LEA liaisons, to ensure compliance with the Act.

- ❑ SEAs must implement strategies to address problems resulting from enrollment delays caused by immunization and medical records requirements, residency requirements, lack of birth certificates, school records or other documentation, guardianship issues, or uniform or dress code requirements.

- ❑ SEAs and LEAs must develop, review and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

A list of state coordinators, current as of the date of this publication, is provided in appendix A. Updated lists may be found on the Web site of the National Center for Homeless Education at http://www.serve.org/nche.

Local Educational Agency Liaisons and Local Educational Agency Responsibilities

Liaisons are LEA staff responsible for ensuring the identification, school enrollment, attendance, and opportunities for academic success of students in homeless situations. Some of these activities may be accomplished by the liaison himself or herself, while others are accomplished by coordinating the efforts of other staff and community partners. National evaluations indicate that liaisons are a necessary common denominator for successful district efforts to identify and support students experiencing homelessness. Therefore, the McKinney-Vento Act requires every LEA to designate a liaison for students who are homeless, and specifies their legal responsibilities. By linking students and their families to school and community services, liaisons play a critical role in stabilizing students and promoting academic achievement at the individual, school, and district level.

What the Act Says:

❑ Every LEA must designate an appropriate staff person as a liaison for students in homeless situations. This person may also be a coordinator for other Federal programs.

❑ Liaisons must ensure that:

1. children and youth in homeless situations are identified by school personnel and through coordination activities with other entities and agencies;
2. students enroll in, and have full and equal opportunity to succeed in, the schools of the LEA;
3. families, children, and youth receive educational services for which they are eligible, including Head Start, Even Start, and pre-school programs administered by the LEA, as well as referrals to health, mental health, dental, and other appropriate services;
4. parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
5. public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services under the Act;
6. enrollment disputes are mediated in accordance with the Enrollment Disputes section of the McKinney-Vento Act; and
7. parents and guardians, and unaccompanied youth, are fully informed of all transportation services, including to the school of origin, and are assisted in accessing transportation services.

❑ Liaisons must assist children and youth who do not have immunizations, or immunization or other medical records, to obtain necessary immunizations, or immunization or other medical records.

❑ Liaisons must help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide him or her with notice of their right to appeal an enrollment decision that is not their choice.

❑ Liaisons must ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement.

❑ SEAs and LEAs must develop, review and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

❑ State coordinators and LEAs must inform school personnel, service providers, and advocates who work with families in homeless situations of the duties of the LEA homeless liaison.

How Your School and District Can Implement the Act:

➢ LEA administrators should work with the Office of State Coordinator for the Education of Homeless Children and Youth to identify an appropriate staff person to serve as the local educational agency homeless liaison. Federal programs, such as Title I, Even Start, or Migrant Education, may be good offices to support this position. State programs for students in high-risk situations may also be appropriate.

➢ LEAs should create opportunities for the designated liaison to receive training, in particular on homelessness, the legal responsibilities of the liaison, and key provisions of the McKinney-Vento Act. Materials such as *Local Homeless Education Toolkit*, and other important resources are available on the Web site of the National Center for Homeless Education (NCHE) at http://www.serve.org/nche. See Chapter 5 for additional resources.

➢ Liaisons must disseminate posters, brochures, and other awareness materials explaining educational rights, programs, and related services, in schools and other locations where children and youth receive services (such as soup kitchens, health clinics, shelters, transitional living projects for youth, street outreach teams, youth drop-in centers, motels, campgrounds, public laundries, and faith-based organizations). Posters for parents and for unaccompanied youth may be found on the NCHE Web site at http://www.serve.org/nche.

➢ Liaisons should submit the names of homeless children and youth who would like to receive free school meals to the local school nutrition office. Homeless children and youth are automatically eligible for free meals and do not have to submit an application. More information may be found on the USDA's Web site at http://www.fns.usda.gov/cnd/Lunch/Governance/Policy/policy.htm

➢ Liaisons should seek program support from Title I programs (see Chapter 4), other education programs, and public and private community organizations. Community organizations can often donate money, materials and time to support the liaison's work.

➢ Liaisons should work closely with local directors of other school programs, such as preschool, Special Education, School Meals, Title I, Migrant Education, Neglected and Delinquent, and Even Start to ensure that students who are homeless can access those services as needed.

➢ Liaisons should develop relationships with key school personnel, including administrators, principals, secretaries, registrars, counselors, social workers, transportation staff, food services staff, school nurses, truancy officers, and teachers. They should inform these personnel about the causes and consequences of homelessness, symptoms of homelessness, the duties of the liaison, the responsibilities of the school district, and the rights of students and families who are homeless.

➢ Liaisons should join local homeless task forces, homeless coalitions, and their local homeless assistance Continuum of Care. A directory of state and local homeless coalitions may be found at the National Coalition for the Homeless (NCH) Web site at http://www.nationalhomeless.org/state. These organizations can support the liaison's work and be important community partners.

➢ Liaisons should develop relationships with community social service providers, including shelters, soup kitchens, food banks, transitional living projects for youth, street outreach teams, youth drop-in centers, community action agencies, welfare departments, housing departments, public health departments, and faith-based organizations. They should inform these agencies of the duties of the liaison, the responsibilities of the school district, and the rights of students and families who are homeless. These organizations can be essential resources in identifying students and families who are homeless.

CHAPTER III

School Responsibilities and Implementation Strategies

Section A
Stability and School Selection

1. School of Origin

There is extensive research documenting the negative effects of involuntary school transfers on a student's academic, social and emotional development. A "rule of thumb " is that it takes a child four to six months to recover academically after changing schools.[10] Highly mobile students have been found to have lower test scores and overall inferior academic performance than peers who do not change schools.[11] To avoid these negative results, the McKinney-Vento Act places great emphasis on keeping students stable in their schools. School districts that have embraced the Act's requirements have documented increased attendance and higher test scores among students who are homeless. The resulting educational stability enhances a student's academic and social growth, while permitting schools to benefit from the increased test scores and other achievements shown to result from student continuity.

What the Act Says:

- ❑ "School of origin" is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

- ❑ Local Educational Agencies (LEAs) must keep a student experiencing homelessness in his or her school of origin, to the extent feasible, unless it is against the custodial parent's or guardian's wishes.

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[10] Dr. Joy Rogers of the Loyola University Department of Education, Education Report of Rule 706 Expert Panel presented in B.H. v. Johnson, 715 F. Supp. 1387 (N.D. Ill. 1989), 1991.
[11] Del Stover, *Schools Grapple with High Student Mobility Rates*, 20 SCH. BOARD NEWS 11 (June 13, 2000).

❑ The student can stay in the school of origin for the duration of homelessness. He or she can also stay in the school of origin until the end of any academic year in which he or she moves into permanent housing.

❑ The student may also enroll in any public school that students living in the same attendance area are eligible to attend. (See section 3, Enrollment.)

❑ If a student is sent to a school other than that requested by a parent or guardian, the district must provide a written explanation to the parent or guardian of its decision and of their right to appeal.

❑ LEA homeless liaisons must help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of their right to appeal the LEA's decision.

How Your School and District Can Implement the Act:

➢ Make sure families and youth know about their right to attend either the school of origin or the local school, as well as their right to transportation to the school of origin and immediate enrollment.

➢ Develop clear, understandable forms to be used for written explanations of decisions and notification of the right to appeal.

➢ Make sure all school staff who handle enrollment issues are aware of the Act's provisions.

➢ Make sure school staff understand the benefits of school stability, including registrars, counselors, teachers and administrators.

2. Transportation

Transportation is essential to enable students to attend and remain in school. The U.S. Department of Education has reported that transportation is the principal factor preventing students experiencing homeless-

ness from attending school and accessing needed services.[12] Poverty, mobility and the unstable living situations facing these children and youth can make getting to and from school extremely challenging. Recognizing this significant barrier to attendance and success, the McKinney-Vento Act contains new provisions requiring transportation for students experiencing homelessness.

What the Act Says:

- ❑ LEAs must provide transportation to and from the school of origin for students experiencing homelessness, at a custodial parent's or guardian's request.
- ❑ For unaccompanied youth, LEAs must provide transportation to and from the school of origin at the LEA homeless liaison's request.
- ❑ If the student's temporary residence and the school of origin are in the same LEA, that LEA must provide or arrange for transportation. If the student is living outside the school of origin's LEA, the LEA where the student is living and the school of origin's LEA must determine how to divide the responsibility and cost of providing transportation. If they cannot come to an agreement, they must share the responsibility and cost equally.
- ❑ In addition to providing transportation to the school of origin, LEAs must also provide students in homeless situations with other transportation services comparable to those provided to other students.

How Your School and District Can Implement the Act:

➢ Coordinate with local housing authorities and community-based organizations to house students near their schools of origin.

➢ Re-route school buses (including special education, magnet school, and other buses) and ensure that school buses travel to shelters, transitional living projects, and motels where homeless students reside.

[12] U.S. Department of Education, OESE, "Education for Homeless Children and Youth Program Report to Congress Fiscal Year 2000," at 9.

➢ Develop close ties among LEA homeless liaisons, school staff, and pupil transportation staff.

➢ Develop inter-district transportation agreements to coordinate inter-district transportation and avoid delays and disputes.

➢ Designate a district-level point of contact to arrange and coordinate transportation.

➢ Provide sensitivity training to bus drivers and arrange bus stops to keep students' living situations confidential.

➢ Provide passes for public transportation, including passes for caregivers when necessary.

➢ Collaborate with local public and nonprofit agencies and service providers to develop transportation plans or provide transportation.

➢ Take advantage of transportation systems used by public assistance agencies and coordinate with those agencies.

➢ Reimburse custodial parents, guardians, or unaccompanied youth for gas if they are able to provide their own transportation.

➢ Obtain corporate or other sponsorship for transportation costs.

➢ For more implementation strategies, call 800-308-2145 or e-mail homeless@serve.org to request a copy of the National Center for Homeless Education's publication on transportation for children and youth in homeless situations.

3. Enrollment

Children and youth experiencing homelessness often do not have the documents ordinarily required for school enrollment. Domestic violence, natural disasters, evictions and unstable living situations can make it impossible for parents to retain documents. Nonetheless, school is vitally important for children and youth in homeless situations. It may be their only opportunity to benefit from a stable environment, the normal-

cy of teacher and peer relations, academic stimulation, and reliable meals. Immediately enrolling students in homeless situations in school provides stability and avoids the personal, educational and social trauma involved when children are separated from their school for days or weeks while documents are located.

What the Act Says:

- ❑ Custodial parents or guardians of students in homeless situations can keep their children in their school of origin (to the extent feasible) or enroll them in any public school that students living in the same attendance area are eligible to attend.

- ❑ LEA liaisons must help unaccompanied youth choose and enroll in a school, after considering the youth's wishes.

- ❑ Students must be enrolled in school immediately, even if they do not have the required documents, such as school records, medical records, proof of residency, or other documents. "Enrolled" means attending classes and participating fully in school activities.

- ❑ If a student does not have immunizations or immunization or medical records, the liaison must immediately provide assistance in obtaining them, and the student must be enrolled in school in the interim.

- ❑ Enrolling schools must obtain school records from the previous school, and students must be enrolled in school while records are being obtained.

- ❑ Schools must maintain records for students who are homeless so they are readily available.

- ❑ SEAs and LEAs must develop, review, and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.

- ❑ SEAs and LEAs must find ways to address enrollment delays caused by immunization and medical records requirements, residency requirements, lack of birth certificates, school records or other documentation, guardianship issues, or uniform or dress code requirements.

❑ If a student is sent to a school other than that requested by a custodial parent or guardian, the school must provide a written explanation of its decision and the right to appeal.

How Your School and District Can Implement the Act:

➢ Train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for immediate enrollment.

➢ Make sure families and youth know about their right to attend either the school of origin or the local school, including rights to transportation to the school of origin and immediate enrollment.

➢ Review all LEA policies to make sure all barriers to enrollment and retention are removed. Pay particular attention to policies on enrollment procedures and requirements; transportation; evaluations for and placement in special education, English language learner services, gifted and talented programs, school meals, vocational and technical education, before and after school programs and Title I programs; attendance and truancy; preschool; suspension and expulsion; and award and transfer of credits, among others.

➢ Develop statements of residence or other forms to replace typical proof of residency. Such forms should be carefully crafted so that they do not create further barriers or delay enrollment.

➢ Develop caregiver statements, enrollment forms for unaccompanied youth, and other forms to replace typical proof of guardianship. Again, such forms should be carefully crafted so that they do not create further barriers or delay enrollment.

➢ Establish immunization databases, school-based immunization clinics or other opportunities for on-site immunizations.

➢ Collaborate with community-based or public agencies to provide appropriate clothing or school uniforms, and work to standardize school uniforms within a district and among neighboring districts.

➢ Accept school records directly from families and youth.

➢ Develop clear, understandable forms to be used for written explanations of decisions and notification of the right to appeal.

➢ To help provide a smooth transition for teachers and students:

1. Contact previous teachers and develop short educational assessments to facilitate placing students immediately if academic records are not readily available.
2. Expeditiously follow up on any special education referrals or services.
3. Provide necessary remediation/tutoring.
4. Have custodial parents and students meet with counselors shortly after enrollment.
5. Identify faculty and peer mentors/buddies.
6. Start a "New Students " club.
7. Take time to talk to and welcome students individually.
8. Establish school-level and classroom-level routines for incoming and departing transfers.
9. Get to know new students with an initial questionnaire or journal assignment.
10. Introduce new students to the class.
11. Keep a short, simple written list of classroom rules and procedures.
12. Make sure the students have a chance to have a class job/role and to participate in extracurricular activities.
13. Start and maintain a portfolio of class work for the students to take with them when leaving the school.

4. Resolution of Disputes

Interruptions in education can severely damage a student's academic progress and disrupt his or her classmates and teachers. To avoid such disruptions, the McKinney-Vento Act requires immediate enrollment during disputes and provides for procedures to resolve disputes. This allows schools, custodial parents and youth to resolve disagreements quickly and efficiently without disrupting the classroom or the student's education.

What the Act Says:

- ❑ Every state must establish procedures to promptly resolve disputes regarding the educational placement of homeless students.

- ❑ If a student is sent to a school other than the school of origin or the school requested by a custodial parent/guardian, the LEA must provide a written explanation of its decision and the right to appeal, whether or not the custodial parent/guardian disputes the placement.

- ❑ A written explanation of the school's decision must also be provided if a custodial parent, guardian, or unaccompanied youth disputes a school placement or enrollment decision.

- ❑ Whenever a dispute arises, the student must be immediately admitted to the school in which enrollment is sought while the dispute is being resolved. If enrollment is in the school of origin, transportation must be provided upon request.

- ❑ The school must refer the student, custodial parent, or guardian to the local liaison to carry out the dispute resolution process as expeditiously as possible.

- ❑ LEA homeless liaisons must ensure that the dispute resolution process is followed for unaccompanied youth.

How Your School and District Can Implement the Act:

➢ Contact your State Coordinator for information about your state's process for resolving disputes, and develop a complementary process at the district level.

➢ When inter-district issues arise, make sure representatives from all involved districts are present to help resolve the dispute.

➢ Keep the dispute resolution process as informal and accessible as possible, consistent with impartial and complete review.

➢ Establish procedures for custodial parents, guardians, and unaccompanied youth to initiate the dispute resolution process directly at the school they choose, as well as at the school district or LEA homeless liaison's office.

➢ Establish timelines for resolving disputes.

➢ Inform custodial parents, guardians, and unaccompanied youth that they can provide written or oral documentation to support their position and that they can seek the assistance of advocates or attorneys.

➢ Provide students with all services for which they are eligible while disputes are resolved, including transportation and other services to permit full participation in school activities.

➢ Make written notices complete, as brief as possible, simply stated, and in a language the custodial parent, guardian, or unaccompanied youth can understand. Written notice should include:

1. Contact information for the LEA homeless liaison and State Coordinator, with a brief description of their roles;
2. A simple, detachable form that custodial parents, guardians, or unaccompanied youth can complete and submit to the school to initiate the dispute process (the school should copy the form and return the copy to the custodial parent, guardian, or youth for their records when it is submitted);
3. A step-by-step description of how to formally dispute the school's decision;
4. Notice of the right to enroll immediately in the school of choice pending resolution of the dispute and to receive transportation to the school of origin;
5. Notice that "immediate enrollment" includes full participation in all school activities;
6. Notice of the right to obtain the assistance of advocates or attorneys;
7. Notice of the right to appeal to the state if the district-level resolution is not satisfactory; and
8. Timelines for resolving district-and state-level appeals.

Section B
Discrimination and Segregation

Most of the people who will read this booklet have never experienced homelessness but likely have encountered homeless persons on the street. Naturally, images of homeless street people affect us all. As human beings we bring our images and understandings with us when we approach our work, for good or for ill. We often fear what we do not know or understand. Such fears and limited understanding of homelessness, if not addressed, can create negative attitudes, stereotyping and bias against homeless parents, children and youth. The McKinney-Vento Act is a law that affirmatively protects the civil rights of children and youth who lack housing. It expressly prohibits discrimination against homeless students in the provision of educational services. It expressly prohibits the segregation of students experiencing homelessness from other students. Moreover, it challenges schools, teachers, administrators, principals, clerks, attendance officers and pupil support personnel to learn about and become connected with the issue of homelessness and its impact on the learning process.

Simply stated, schools must fully integrate children and youth experiencing homelessness into each aspect of the school's program and services. Teachers, administrators and support personnel must be sensitive to, and aware of, the needs of homeless children and youth while being careful not to stigmatize them or set them apart. The problems homeless families face are the same problems as many other families experience, but with the added stress of extreme poverty. For most homeless families, lacking a permanent place to live is a temporary condition; a crisis through which they will pass successfully given the right support and assistance. It is neither a permanent state of being nor a permanent characteristic that defines the family or its members. Children and youth experiencing homelessness can thrive on the normalcy and safety that a stable, quality school offers. Funding provided to States under the McKinney-Vento Act may be utilized to heighten school staff awareness of homelessness and offer specific strategies which the school can utilize to effectively respond to the needs of those students. Through systemic planning and better understanding, bias can be addressed and discriminatory attitudes and practices against members of this particular population can be avoided.

What the Act Says:

❑ Schools must ensure that each child or youth experiencing homelessness has equal access to the same free, appropriate public education as provided to other children and youth, as well as a full and equal opportunity *to succeed* in those schools.

❑ LEAs (in conjunction with the SEA) must review and revise policies, rules, practices and laws to ensure that children and youth experiencing homelessness have equal access to educational services.

❑ Homelessness alone is not sufficient reason to separate students from the mainstream school environment. Students experiencing homelessness must be provided services comparable to those offered to other students, including: transportation, special education, gifted and talented programs, vocational services and services for students with limited English proficiency, to name a few.

❑ LEAs within a State that accepts McKinney-Vento funding (regardless of whether the LEA receives McKinney-Vento funding) may not create or operate schools or programs that segregate homeless children and youth from other students,[13] nor may they provide services in settings within the school that segregate homeless children and youth.

❑ LEAs and the SEA must adopt policies and practices to ensure that children and youth experiencing homelessness are not stigmatized or isolated.

❑ Schools must provide preschool age children experiencing homelessness with equal access to the same preschool programs as other children.

❑ Schools must provide equal access to appropriate education and support services for homeless youth, including those who have separated from school.

[13] Six specific segregated schools in Arizona and California are "grandfathered" in by the McKinney-Vento Act, i.e. permitted to continue operation subject to a series of new and stringent mandates. Those mandates are beyond the scope of this booklet.

How Your School and District Can Implement the Act:

➢ Review all of the programs and services of the district and each school to ensure that homeless families and students are meaningfully included and are fully considered in the implementation of those programs.

➢ Take advantage of teacher institute days and staff development time to bring in speakers, including homeless or formerly homeless parents and students to heighten awareness. Encourage staff to focus on the strengths possessed by homeless families and recognize the value of staff work when homeless students are involved, in terms of the potential for reducing student mobility, improving attendance, enhancing academic performance and generally elevating the value of the school.

➢ Starting with the admissions office, create a climate in which all feel welcome and in which an attitude of sensitivity and acceptance exists.

➢ Be clear that discrimination against families experiencing homelessness is prohibited in every aspect of school and district services and will have an impact on staff job evaluations.

➢ Create opportunities for feedback from the "consumer," i.e. students and parents experiencing homelessness, to see how the school is perceived and how it might improve.

Section C
Identification and Outreach to Families and Youth Experiencing Homelessness

The McKinney-Vento Act requires LEAs to be pro-active in finding homeless children and youth who are not attending school and in identifying which children and youth are "homeless" within the broad definitions of the Act. It is not sufficient for a school or LEA to passively await the enrollment of homeless students. Indeed, few families will appear before a clerk or principal and simply announce that they are "homeless." Many families are unaware, for example, that living doubled-up in a friend or relative's home because they cannot afford their own home con-

stitutes homelessness or that sharing information about their homelessness could result in getting additional services, such as transportation, from the school. Others, including adolescents experiencing homelessness, may feel deeply ashamed of their living situation and try to conceal it.

Therefore, specific steps must be taken to notify the larger community, as well as the potential parents and students who may benefit from the Act, of the services and benefits to which they may be entitled. Eligible families, children and youth must be identified so that the appropriate steps may be taken to ensure the enrollment, attendance and success of those students. Certain populations, for example, adolescents living on the street or adolescents for whom issues of sexual orientation and gender identity are critical, may require intensive and varying strategies to seek them out and ensure their enrollment. Preschool children experiencing homelessness also may be overlooked without special efforts to locate them.

1. Identification

There are really two aspects to the obligation to "identify" homeless children and youth. One is simply to understand which students within the school may meet the definition of "homeless" so that each of them may be afforded full access to services and so the school is able to obtain an accurate count of the number of students experiencing homelessness. The other is to locate potential students not currently within the school system who are homeless and school-age, to ensure that they are enrolled or rejoined to appropriate school programs. This second effort at identification is often referred to as "outreach." While it applies to all age groups, it has particular meaning for older youth who may have left or dropped out of school for a variety of reasons and preschool-age children who are not covered by compulsory education laws, but who may benefit greatly from early childhood education.

What the Act Says:

- ❑ Each State must describe in its state plan their procedures for identification of homeless children and youth, including youth who are separated from school.

- ❑ Special attention must be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

- ❑ School personnel have the obligation to perform such identification.

❑ The LEA liaison must ensure that school personnel meet their duty to identify homeless children and youth, as well as to conduct additional identification through coordination with other entities and agencies.

How Your School and District Can Implement the Act:

➢ Train staff at all levels to understand the definitions of homeless and to pick up on the subtle cues that suggest a student or parent may be experiencing homelessness. LEAs have found it very valuable to train personnel such as registrars, secretaries, school counselors, school social workers, school nurses, teachers, bus drivers and cafeteria workers to recognize some of those cues.

➢ Create enrollment forms that capture housing information in a sensitive and confidential manner which will aid in identifying homeless living arrangements. Using sensitive adapted language, an emergency contact form can be used by all schools upon enrollment in order to seek housing information.

➢ Utilize the LEA liaison and social workers, counselors and attendance officers to coordinate with agencies and services within the community who are able to, or have the responsibility for identifying homeless families and children (for example, shelters, soup kitchens, food banks, street outreach teams, drop-in centers, welfare departments, housing departments, public health departments, and faith-based organizations).

➢ Provide outreach materials and posters where there is a frequent in-flux of low-income families and youth in high-risk situations, including motels and campgrounds.

➢ Teachers can ask students to draw or write about where they live, and examine the assignments for possible indicators of homelessness.

➢ Avoid using the word "homeless" in initial contacts with families, youth or school personnel. The word often conjures up stereotypical images that may prevent proper identification.

2. Notice

Knowledge is power. If a family experiencing homelessness lacks information about the rights of homeless children and youth, their children may be prevented from remaining in a stable school setting with access to transportation, tutoring or other services. Similarly, without the appropriate information, the larger community of child welfare agencies, faith-based organizations and advocates who can direct children to the schools may fail to do so. Schools will continue to suffer unnecessarily high mobility rates and lower performance if families and assistance organizations remain ignorant of the educational rights of homeless children and youth.

What the Act Says:

❑ The LEA liaison must ensure that public notice of the educational rights of homeless children and youth is disseminated in areas where those children and youth receive services, such as schools, shelters, and soup kitchens.

❑ Parents and guardians experiencing homelessness must be informed of the education and related opportunities available to their children and provided with meaningful opportunities to participate in their children's education.

❑ Custodial parents and guardians of homeless children and youth and unaccompanied youth must be fully informed of their rights to transportation services.

How Your School and District Can Implement the Act:

➢ Create colorful and informative posters that clearly explain the rights and benefits for homeless children and youth; post these prominently throughout schools and enlist community support in placing these posters throughout the community. Posters for parents and for unaccompanied youth may be found on the NCHE Web site at http://www.serve.org/nche.

➢ Create easy-to-read and informative brochures to distribute to all families in the school on a regular periodic basis. These brochures should explain who is considered to be homeless, the availability of transportation and details about requesting it, information regarding all the educational programs and services offered by the school, and the name and phone number of the LEA liaison. Additionally, distribute these brochures at shelters, libraries, child welfare agencies, public aid offices, faith-based organizations, parks, bus stations and food pantries. Many written materials and posters are available through the NCHE. Posters and materials should also be available in languages other than English.

➢ Provide such a brochure to every person who seeks enrollment or information about enrollment in the school or the LEA.

➢ Request local television and radio stations to run public service announcements providing this information.

➢ Post information on the school and district Web sites.

3. Preschoolers

Equal access to all school services for homeless children includes, specifically, equal access to preschool education. A growing understanding of the vital importance of early childhood education has generated many new preschool, Head Start, and pre-kindergarten programs. LEAs are already obligated to seek out preschool-age children within the district who may be suffering from disabilities or developmental delays and are eligible for special education or early intervention services. These existing efforts should be reviewed to ensure that homeless preschool children are included as a target population.

Many preschool programs and pre-K programs are operated by schools and LEAs, but many others are operated by non-profit agencies. LEAs and schools are responsible for ensuring access to the programs within its control. For programs not within the LEA's or school's control, referrals and cooperative agreements can expand availability for homeless children and youth.

What the Act Says:

❑ States must include in their state plan procedures for homeless children that ensure access to the same public preschool programs administered by the State as for other children who are not homeless.

❑ The LEA liaison must ensure that homeless children have access to Head Start, Even Start and public preschool programs administered by the LEA.

❑ Schools should provide activities and services that preschool-age homeless children are able to enroll in and attend, increasing the likelihood that they will succeed in school.

How Your School and District Can Implement the Act:

➢ Be familiar with the preschool procedures indicated in the state plan and implement them locally.

➢ Train LEA liaisons and all preschool staff on the definitions, rights, and needs of preschool-age children experiencing homelessness.

➢ Seek information from identified homeless families about the existence of preschool-age children and allow expedited enrollment. Ask about preschool-age siblings when children are enrolled in school.

➢ Create an 800 number for the registration of homeless children in preschool programs.

➢ Publicize the existence of preschool, pre-K and Head Start programs through posters, brochures and presentations within schools, at parent-participation events and within the community at shelters, social service organizations, public health clinics, teen parenting programs and public aid offices.

➢ Enter into collaborative agreements with other preschool and pre-K programs not operated by the LEA which may have availability, to ensure that such programs serve homeless children.

➢ Public preschool programs across the country have adopted policies and procedures to provide access for preschoolers experiencing homelessness, including:

1. Identifying an appropriate number of slots to be held open for children experiencing homelessness, and/or prioritizing them on waiting lists.
2. Including homelessness in the list of criteria for priority enrollment in preschool.
3. Permitting flexible exceptions to preschool policies on tardiness and absences.
4. Offering flexible schedules to accommodate unstable sleep patterns and family mobility.
5. Developing a strong plan to address mobility through close coordination with families, shelters and community agencies.
6. Providing immediate medical, developmental and mental health screenings.
7. Emphasizing a classroom structure that limits distractions, provides a simple daily schedule, and provides strong individualized attention.
8. Including a strong family component that builds the family's capacity to support child development and education and addresses critical family needs.

4. Youth

Schools face special challenges in reaching out to and serving homeless adolescents. Adolescence is a difficult time under ideal circumstances, and it can be particularly difficult when the youth is experiencing homelessness. Studies have found that over half of unaccompanied youth reported physical abuse at home, while over one third reported sexual abuse.[14] Many homeless youth are rejected by their families because of their sexual orientation (gay, lesbian or bisexual) or gender identity (desire to express identity with or become a member of the opposite sex). Youth living on the street are in significant danger and are targets for adult sexual exploitation, assault and robbery.

Whether a youth is a runaway, "throwaway" (locked out or aban-

[14] See, e.g., Michael G. MacLean, Lara E. Embry, and Ana Mari Cauce, "Homeless Adolescents' Paths to Separation from Family: Comparison of Family Characteristics, Psychological Adjustment and Victimization," 27 Journal of Community Psychology 179-187 (1999).

doned by parents), living with parents in a shelter or doubled-up, or separated from the family by economic circumstance, schools should devise ways, as the McKinney-Vento Act states, to "attract, engage, and retain" these youth in school. Some have separated from school because they fell too far behind or did not feel safe or cared about in school. Reaching and serving these children presents great opportunities to protect them from violence and set them on a path to success in adulthood.

What the Act Says:

- ❑ Special attention shall be given by schools to ensure the enrollment and attendance of homeless youth who are not currently attending school.

- ❑ Local liaisons have special duties to assist unaccompanied youth in determining school choice, enrolling the student and obtaining transportation. If an appeal is necessary, local liaisons must facilitate this process for unaccompanied youth.

- ❑ Liaisons and schools must provide activities and services that enable homeless youth to enroll in, attend and succeed in school.

- ❑ Schools must learn about and address the barriers encountered by homeless youth in enrolling, attending and succeeding in school, including guardianship considerations and other issues.

- ❑ Schools must serve homeless youth whether or not the youth is in the physical custody of a parent or guardian.

- ❑ Unaccompanied youth are entitled to the same rights as other homeless children and must be provided with information about those rights, including school transportation, and other services.

- ❑ Homeless youth and youth separated from school must be identified and accorded equal access to secondary education and support services.

How Your School and District Can Implement the Act:

➢ Train all staff on the special concerns and issues of homeless and unaccompanied youth.

➢ Create a welcoming and supportive environment for homeless youth in which immediate needs for clothing, food and hygiene can be met without stigmatizing the youth.

➢ Develop course, credit and schedule flexibility so that lost school time can be recovered and the youth can maintain employment while advancing through school.

➢ Utilize truancy or attendance officers to connect with youth in the community by offering needed assistance in a non-judgmental way.

➢ Build relationships with youth service agencies, youth officers and juvenile court staff to help in identifying and referring youth to school.

➢ Do outreach at youth shelters, bus stations, libraries, drop in centers, and street locations where homeless youth gather.

CHAPTER IV

Supporting Academic Achievement: Title I, Part A Requirements on Homelessness

The purpose of Title I of the Elementary and Secondary Education Act (ESEA) is to "ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments." Among students at risk of school failure are children and youth experiencing homelessness. Therefore, the Title I statute includes several provisions to ensure that these students benefit from Title I programs and services. In addition, federal regulations on Title I require that students who are homeless be included in assessment and accountability systems.

What the Act Says:

- A child or youth who is homeless and is attending any school in the district is eligible for Title I, Part A services.

- Before otherwise allocating funds, LEAs must reserve (or set aside) funds as are necessary to provide homeless children who do not attend Title I, Part A participating schools with services comparable to those provided to children in participating schools, including providing educationally related support services to children in shelters and other locations where children may live.

- An LEA may receive funding under Title I, Part A, only if the LEA has on file with the SEA a plan, approved by the SEA, that is coordinated with the McKinney-Vento Homeless Assistance Act.

- Each LEA Title I, Part A plan must include a description of the services that will be provided to homeless children, including services provided with funds from the Reservation of Funds set-aside.

❑ Any State desiring to receive funding under Title I, Part A, must submit a plan to the Secretary that is coordinated with the McKinney-Vento Homeless Assistance Act.

What the Regulations Say:

❑ States must include students who are homeless in their academic assessment, reporting, and accountability systems, consistent with the local accountability provisions of the statute.

How Your School and District Can Implement the Act:

➢ Ensure collaboration between local Title I coordinators and LEA homeless liaisons using a local plan that identifies ways that Title I will serve children and youth experiencing homelessness.

➢ Ensure that the needs of children experiencing homelessness are taken into account in the needs assessments that are required for school wide programs.

➢ Establish a formula or other method to ensure that sufficient Title I funds are set aside for homeless children and youth.

➢ Make appropriate testing accommodations for children who are homeless. For example, provide opportunities to make up tests if children are absent on testing day.

➢ Ensure that local liaisons are trained to collect achievement data for all homeless students, and that district records systems enable this data collection while taking into account confidentiality issues.

➢ Use Title I funds to meet basic needs of students experiencing homelessness (clothing, supplies, health) so they may participate fully in school.

➢ Use Title I funds for parent involvement making special efforts to reach out to parents in homeless situations.

➢ Use set aside funds for outreach services to children and youth living in motels, shelters, transitional living programs, and other temporary residences.

➢ Pool Title I and McKinney-Vento funds to provide a comprehensive program for children at risk of failure, ensuring that the specific needs of children experiencing homelessness or high mobility, and the mandates of the McKinney-Vento Act, are met.

➢ Involve homeless education program staff in school improvement dialogue and projects; make sure that addressing the needs of highly mobile students is included in the school improvement plans—not addressed as a separate issue.

➢ Ensure LEA homeless liaison representation on the Committee of Practitioners.

CHAPTER V

You Are Not Alone: Resources for Understanding and Implementing the McKinney-Vento Act

American Bar Association Commission on Homelessness and Poverty

This 13-member Commission of attorneys and lay people was created in 1991 in order to foster the development of legal *pro bono* homeless programs and to educate the profession and public about the legal problems of homeless and impoverished people.

http://www.abanet.org/homeless/home.html

American Bar Association Steering Committee on the Unmet Legal Needs of Children

The Steering Committee's primary role is to encourage, facilitate, and coordinate activities on behalf of children by ABA entities, state and local bar associations and their members, while promoting outreach by the organized bar to government officials and policy makers at all levels in order to address the ongoing problems that face our nation's most fragile group.

http://www.abanet.org/unmet/home.html

Directory of State Coordinators for the Education of Homeless Children

Every state is required to have a coordinator for the Education of Homeless Children and Youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act.

http://www.serve.org/nche

National Association for the Education of Homeless Children and Youth

NAEHCY, a national grassroots membership association, serves as the voice and the social conscience for the education of children and youth in homeless situations.

http://www.naehcy.org/

National Center for Homeless Education

Funded by the U.S. Department of Education, the National Center for Homeless Education is a national resource center of research and information enabling communities to successfully address the needs of homeless children and youth and their families.

http://www.serve.org/nche/

National Center on Family Homelessness

The National Center on Family Homelessness is a not-for-profit, non-endowed charity working towards long-term solutions that help homeless families become self-supporting and active participants in community life.

http://familyhomelessness.org/about_us/whoweare.html

National Coalition for the Homeless

NCH is dedicated to ending homelessness by advocating for housing justice, economic justice, health care justice, and civil rights.

http://www.nationalhomeless.org

National Law Center on Homelessness & Poverty

NLCHP's mission is to alleviate, ameliorate and end homelessness by serving as the legal arm of the nationwide movement to end homelessness.

http://www.nlchp.org/

National Network for Youth

The National Network for Youth is dedicated to ensuring that young people can be safe and lead healthy and productive lives. The National Network informs public policy, educates the public and strengthens the field of youth work.

http://www.nn4youth.org/my/shared/home.jsp

National Runaway Switchboard

The National Runaway Switchboard is a 24-hour crisis hotline that works to facilitate relationships that ensure that youth and families have access to resources in their communities.

http://www.nrscrisisline.org/

U.S. Department of Education

The U.S. Department of Education is the federal agency charged with administration and oversight of the McKinney-Vento Act's Education for Homeless Children and Youth program.

http://www.ed.gov/

APPENDIX A

List of State Coordinators for the Education of Homeless Children and Youth

Alabama
Dr. Dorothy Riggins
Coordinator for Special Programs
State Department of Education
5348 Gordon Persons Building
50 North Ripley Street
Montgomery, AL 36130-3901
Phone: (334) 242-8199
Fax: (334) 242-0496
Email: driggins@alsde.edu

Alaska
Ms. Susan Cuvelier
Coordinator, Education of Homeless Children and Youth Program/Early Childhood Education
Alaska Department of Education
801 West 10th Street, Suite 200
Juneau, AK 99801-1894
Phone: (907) 465-8706
Fax: (907) 465-8638
Email: Susan_Cuvelier@eed.state.ak.us

Arizona
Ms. Nancy Stahl
Education Program Specialist
Federal Programs Division
State Department of Education
1535 W. Jefferson Street
Phoenix, AZ 85007
Phone: (602) 542-3267
Fax: (602) 542-3050
Email: nstahl@mail1.ade.az.gov

Arkansas
Ms. Susan Underwood
Homeless Grant Coordinator
Arkansas Department of Education
State Education Building
4 State Capitol Mall
Little Rock, AR 72201-1071
Phone: (501) 682-4847
Fax: (501) 682-4441
Email: sunderwood@arkedu.k12.ar.us

California
Leanne Wheeler
Education Program Consultant
State Department of Education
Specialized Programs Division
Title I Policy and Partnerships Office
721 Capitol Mall, 2nd Floor
Sacramento, CA 95814
Phone: (916) 657-2871
Fax: (916) 657-3929
Email: lwheeler@cde.ca.gov

Colorado
Ms. Margie Milenkiewicz
State Homeless Contact
Colorado Department of Education
201 East Colfax Avenue
Denver, CO 80203
Phone: (303) 866-6930
Fax: (303) 866-6785
Email: Milenkiewicz_M@cde.state.co.us

Connecticut
Louis B. Tallarita
Education Services Specialist
Division of Educational Programs & Services
Education for the Homeless
State Department of Education
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APPENDIX B

The U.S. Department of Education has an important role in administering, evaluating and enforcing compliance with the McKinney-Vento Act. Here are the statutory provisions that define the U.S. Department of Education's role:

SECTION 724. SECRETARIAL RESPONSIBILITIES.

(a) REVIEW OF STATE PLANS- In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of homeless children and youths relating to access to education and placement as described in such plan.

(b) TECHNICAL ASSISTANCE- The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.

(c) NOTICE- The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.

(d) EVALUATION AND DISSEMINATION- The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

(e) SUBMISSION AND DISTRIBUTION- The Secretary shall require

applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

(f) DETERMINATION BY SECRETARY- The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1).

(g) GUIDELINES- The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, school enrollment guidelines for States with respect to homeless children and youths. The guidelines shall describe—

(1) successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and

(2) how a State can review the State's requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youths in school immediately.

(h) INFORMATION-

(1) IN GENERAL- From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

(A) the number and location of homeless children and youths;

(B) the education and related services such children and youths receive;

(C) the extent to which the needs of homeless children and youths are being met; and

(D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

(2) COORDINATION- The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

(i) REPORT- Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on—

(1) the education of homeless children and youths; and
(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

ABA PUBLICATIONS

America's Children Still At Risk

This update is intended both to educate the public, child advocates, the legal profession and public policy-makers on the legal needs of children and provide suggestions on how laws and legal issues can be addressed, so that all children might have safe, happy, healthy and productive lives. The twelve chapters include discussions and recommendations on important children's issues such as, health, housing, education, legal representation, welfare, juvenile justice, family law, the unique needs of rural and Native American children, immigration, technology, the impact of violence on children and the legal issues involved in the transition from childhood to adulthood. For more information, visit http://www.abanet.org/unmet.

Health for Teens in Care: A Judge's Guide

Prepared under the Center's Partners in Program Planning for Adolescent Health Initiative (funded by the U.S. Department of Health and Human Services, Maternal and Child Health Bureau), this answers such questions as: Should the judge question the social worker regarding health issues presented in their cases? Should the information regarding educational, mental, dental nutritional, psychological?behavioral, and sexual development/activity be available to the court in mandated court reports? Should updated health information be included in each teen's case plan? Should the court inquire regarding these issues at hearings? The guise is designed to help judges, attorneys, and social workers ensure the well being of teens under court supervision. It is a step toward continuing efforts to develop standards to ensure the federal Adoption and Safe Families Act, Medicaid's Early and Periodic Screening, Diagnosis and Treatment law, and the Foster Care Independence Act of 1999 are used effectively to promote well being for teens in care. For more information, visit http://www.abanet.org/child.

Homeless Court Program: Taking the Court to the Streets

This manual documents San Diego's successful Homeless Court Program — an innovative response to addressing the legal problems of people experiencing homelessness. The Homeless Court Program operates on a monthly basis at two of San Diego's largest shelters. A special vol-

untary court session is convened at the shelter — a judge, clerk, public defender and prosecutor come to the shelter to provide greater access to justice to homeless people with outstanding criminal misdemeanor warrants. The philosophy behind this unique program is rehabilitative rather than punitive, and no one is taken into custody. The key players involved in the program realize that outstanding criminal warrants often preclude homeless people from accessing vital services such as employment, housing, public benefits, and treatment for mental health and/or substance abuse problems. For more information, visit http://www.abanet.org/homeless.

How to Start Your Own School-Based Legal Clinic

This publication serves as a guide for members of the legal profession and law school clinics who would like to get involved helping high school teens with their legal problems so they can better concentrate on the business of learning. The book discusses important considerations, such as how to locate a facility, how to develop relationships with school administrators and personnel without breaching confidentiality, how to address the myriad of issues that students may bring to the clinic, how to get funding, and how to keep funding through user-friendly evaluation methods. For more information, visit http://www.abanet.org/unmet.

NIMBY: A Primer for Lawyers and Advocates

This book discusses the potential roadblocks that come into play when establishing a facility such as a shelter, group home, or soup kitchen in a community. The book addresses the issues and possible reaction within the community, tips on how to work with the community, the zoning process, and the legal tools to combat NIMBY attitudes and exclusionary zoning ordinances. For more information, visit http://www.abanet.org/homeless.

Representing the Poor and Homeless: Innovations in Advocacy

This book is a compilation of articles written by law professors and advocates that address a range of issues including: the causes of homelessness as well as solutions, affordable housing, human rights, health services, NIMBYism, welfare, and microenterprise development. This informative book also includes directories of publications and Web sites addressing homelessness and poverty. For more information, visit http://www.abanet.org/homeless.

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